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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,865	10/12/2006	Stein Kuiper	GB 040088	5835

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EXAMINER

MARTINEZ, JOSEPH P

ART UNIT	PAPER NUMBER
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2873

MAIL DATE	DELIVERY MODE
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06/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,865	Applicant(s) KUIPER ET AL.	
	Examiner JOSEPH MARTINEZ	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see p. 6-7, filed 3-28-08, with respect to the rejection(s) of claim(s) 1-4, 8, 10 and 11 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Berge et al. (6369954) in view of Ehrlich et al. (5373102).

In regards to claim 8, a rejection of claim 8 was provided on p. 3 of Office Action, mailed on 1-9-08.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berge et al. (6369954) in view of Ehrlich et al. (5373102).

Re claim 1, Berge et al. teaches for example in fig. 1 and 3, an optical device comprising: a container (12) enclosing an insulating liquid (11) and a liquid responsive to an electric field (13), the insulating liquid and the liquid responsive to an electric field

being immiscible (abstract) and being in contact with each other via an interface (fig. 1), at least one of the liquids being at least partially placed in a light path (optical axis, 0) through the container (fig. 1); means (16, 17) for controlling an orientation of the interface (from A to B).

But, Berge et al. fails to explicitly teach a means for preventing the interface from an exposure to an external electric field.

However, within the same field of endeavor, Ehrlich et al. teaches for example in fig. 1, a means (10) for preventing the interface from an exposure to an external electric field (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berge et al. with the teachings of Ehrlich et al. in order to shield sensitive optoelectronic devices and still allow optical communication, as taught by Ehrlich et al. (abstract).

Re claim 8, Berge et al. teaches for example in fig. 1 and 3, an electronic device including an optical device comprising: a container (12) enclosing an insulating liquid (11) and a liquid responsive to an electric field (13), the insulating liquid and the liquid responsive to an electric field being immiscible (abstract) and being in contact with each other via an interface (fig. 1), at least one of the liquids being at least partially placed in a light path (optical axis, 0) through the container (fig. 1); means (16, 17) for controlling an orientation of the interface (from A to B); and means (12) for preventing the interface from an exposure to an external electric field (dielectric chamber; col. 3, ln. 27); driver

circuitry (means to control 16 and 17) coupled to the means (16, 17) for controlling an orientation of the interface (from A to B); and a power supply (V) for powering the driver circuitry (fig. 1).

Re claim 2, Berge et al. further teaches for example in fig. 1 and 3, the means for controlling an orientation of the interface comprise an electrode arrangement (16, 17) for controlling the shape of the interface (from A to B) by means of a voltage (V).

Re claim 3, Berge et al. further teaches for example in fig. 1 and 3, the surface is a part of a transparent end portion (12 at 15) of the container (12); the means for preventing the interface from an exposure to an external electric field comprise a conductive layer (16), the conductive layer forming a part of the transparent end portion (fig. 1).

Re claim 4, Berge et al. further teaches for example in fig. 1 and 3, the means (16, 17) for controlling the orientation of the interface (from A to B) comprise an electrode (17) in contact with the liquid responsive to an electric field (13), the conductive layer (16) being conductively coupled to said electrode (fig. 1).

Re claim 5, Ehrlich et al. further teaches for example in fig. 1, the means (10) for preventing the interface from an exposure to an external electric field comprise a Faraday cage (col. 2, ln. 22-28) surrounding the container (15).

Re claim 6, Ehrlich et al. further teaches for example in fig. 1, the Faraday cage (10) comprises a conductive coating (abstract) at least partially covering a further container (12).

Re claim 7, Ehrlich et al. further teaches for example in fig. 1, the further container (12) is at least partially transparent (abstract).

Re claim 9, Berge et al. further teaches for example in fig. 1 and 3, the means (12) for preventing the interface from an exposure to an external electric field are coupled (via 16) to a terminal of the power supply (V).

Re claim 10, Berge et al. further teaches for example in fig. 1 and 3, said terminal is the ground (col. 4, ln. 44-46).

Re claim 11, Berge et al. further teaches for example in fig. 1 and 3, the means (12) for preventing the interface from an exposure to an external electric field form a part of an arrangement for shielding an electronic circuit (means to control 16 and 17) of the electronic device from external radiation (col. 7, ln. 15; wherein the examiner interprets control portions of an endoscope to be shielded from external radiation via housings).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph Martinez/
Patent Examiner, AU 2873
6-23-08